CLASSIFICATION OFFICE DECISION

Title of publication:	dhs25_14.jpg
Other known title(s):	dhs_14
OFLC ref:	0901025.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	The District Court at Manukau
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	18 August 2009
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file is a close-up view of the naked body of a young woman, posed artistically to reveal her genital area. Consideration has been given to whether the publication promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes. The age of the image's subject is difficult to ascertain but her body shape and sexual development suggest that she is a young adult. Therefore, the image file does not fall under the criteria of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). However, the explicit nature of the image and the fact that it is clearly intended for the purpose of sexual arousal mean that it is likely to have a harmful effect on the development of young viewers' sexual behaviour and attitudes.

The New Zealand Bill of Rights Act 1990 has been considered in the application of the criteria of the FVPC Act to this publication. The classification places a limit on the freedom of expression, but the availability of the publication to children and young people is likely to be injurious to the public good. The classification is reasonable, demonstrably justifiable and the minimum required to avoid injury.